

REMARKS

Claims 1-9 are pending in this application. By this Amendment, claim 1 is amended to recite features supported in the specification on page 7, line 25 – page 9, line 12 and Figs. 2-3. No new matter is added by any of these amendments.

Applicant gratefully acknowledges that the Office Action indicates that claims 4, 7 and 8 contain allowable subject matter. However, Applicant asserts that all of claims 1-9 are allowable for the reasons discussed below.

Reconsideration based on the following remarks is respectfully requested.

**I. Claims 1-9 Define Patentable Subject Matter**

The Office Action rejects claims 1-3, 6 and 9 under 35 U.S.C. §102(b) over U.S. Patent 6,049,090 to Biles *et al.* (Biles). The Office Action further rejects claim 5 under 35 U.S.C. §103(a) over Biles. These rejections are respectfully traversed.

Biles does not teach or suggest an optical fiber guide device including, *inter alia*, a guide body operable to guide and hold an optical fiber cord received and bent along an arc therein, the guide body including a guide receiving part having a base, and a mounting part provided on an outer face of said guide body and adapted to be fitted to an object of installation in which said optical fiber cord is to be installed, wherein the mounting part protrudes outwardly from the base towards the object of installation, as recited in claim 1.

Instead, Biles discloses a cable guide G having a body B and a protection element P. In particular, Biles teaches a channel C to receive cable FC and having a radius of curvature R and disposed between the body B and the protection element P. See col. 3, line 56 - col. 4, line 54 and Figs. 1-2 of Biles.

Also, Biles teaches apertures A1, A2, A3 and A4 on element P that connect with apertures A'1, A'2, A'3 and A'4 on body B, respectively. Biles further teaches through-hole fasteners F along the arc of curvature. However, there is no teaching or suggestion for a

mounting part that protrudes from the base towards the installation object, as provided in Applicant's claimed features.

A claim must be anticipated for a proper rejection under §102(a), (b) and (e). This requirement is satisfied "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See MPEP §2131. The Office Action fails to satisfy this requirement with Biles for all of Applicant's claimed features.

Further, there is no motivation to modify features related to the channel C in the body B of Biles to achieve the guide body having a guide groove or channel, as recited in claim 5, nor has the Office Action established sufficient motivation or a *prima facie* case of obviousness. Even assuming that motivation to modify the applied reference is established, the modification fails to teach or suggest Applicant's claimed features.

A *prima facie* case of obviousness for a §103 rejection requires satisfaction of three basic criteria: there must be some suggestion or motivation either in the references or knowledge generally available to modify the references or combine reference teachings, a reasonable expectation of success, and the references must teach or suggest all the claim limitations. See MPEP §706.02(j). The Office Action fails to satisfy these criteria with Biles regarding Applicant's claimed features.

For at least these reasons, Applicant respectfully asserts that the independent claim is now patentable over the applied reference. The dependent claims are likewise patentable over the applied reference for at least the reasons discussed as well as for the additional features they recite. Consequently, all the claims are in condition for allowance. Thus, Applicant respectfully requests that the rejections under 35 U.S.C. §§102 and 103 be withdrawn.

**II. Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Gerhard W. Thielman  
Registration No. 43,186

JAO:GWT/gwt

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**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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